

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

KENNETH EARL JONES  
TX-1326662-R

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DOCKETED COMPLAINT NO. 11-055

**AGREED FINAL ORDER**

On this the 18<sup>th</sup> day of May, 2012, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Kenneth Earl Jones, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

In order to conclude this matter Kenneth Earl Jones neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

**FINDINGS OF FACT**

1. Respondent Kenneth Earl Jones is a state certified residential real estate appraiser and has been certified by the Board during all times material to these complaints.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE Chapter 1103 (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. Respondent appraised real property located at 1821 Reeve Street, Arlington, Texas 76010 ("the property") on or about January 7, 2008.
4. On or about October 11, 2010 a complaint was filed with the Board based on allegations that the Respondent had produced appraisal reports that did not comply with the USPAP.
5. On or about December 29, 2010, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. Chapter 2007, notified Respondent of the nature and accusations involved and Respondent was afforded an opportunity to respond to the accusations alleged by the complainants. Respondent's response to the complaint was received.
6. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal reports for the property:

- a) Respondent failed to comply with the record keeping provisions of the Ethics Rule;
- b.) Respondent failed to comply with the Scope of Work Rule;
- c.) Respondent failed to develop an opinion of the highest and best use;
- d.) Respondent failed to identify and analyze economic supply & demand and market area trends;
- e.) Respondent failed to collect, verify, analyze and reconcile comparable sales data and failed to employ recognized methods and techniques in the cost approach;
- f.) Respondent failed to collect, verify, analyze and reconcile comparable sales data and failed to employ recognized methods and techniques in the sales comparison approach;
- g.) Respondent failed to analyze all sales of the property within 3 years prior to the effective date of the appraisal; and,
- h.) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the property.

7. Respondent omitted material facts and made material misrepresentations in the appraisal report for the property as detailed above.

8. The parties enter into the following consent order in accordance with TEX. OCC. CODE § 1103.458.

### **CONCLUSIONS OF LAW**

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.451-1103.5535.

2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record-keeping provisions); USPAP Scope of Work Rule; USPAP Standards Rules: 1-2(h); 1-3(a) & 2-2(b)(viii); 1-3(b) & 2-2(b)(ix); 1-4(b)(i) & 2-2(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-5(b) & 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); and 2-1(a).

3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omitting material facts.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- 1) During a one (1) year review period, beginning on the effective date of this order, Respondent shall submit to the Board, within seven (7) days of completion of the quarter, an appraisal experience log on a form prescribed by the Board. The log shall be submitted every three (3) months and shall detail all real estate appraisal activities he has conducted during the previous three (3) month period. This experience log shall be signed by Respondent and contain a notarized affidavit attesting the log is true, complete and fully accurate
  - i. Upon request from the Board, Respondent shall provide copies of his appraisal reports and work files for any appraisal assignments he performs during the course of this period of review within the twenty (20) days of notice of any such request;
- 2) Attend and complete a minimum, seven (7) classroom-hour "Staying out of Trouble" course (sometimes this course is offered as two separate 3.5 hour courses, one entitled Staying Out of Trouble in Your Appraisal Practice and the other entitled Quality Assurance);
  - i. No examination is required for the seven (7) classroom-hour course;
- 3) Attend and complete a minimum, fifteen (15) classroom-hour course in appraiser report writing;
- 4) Attend and complete a minimum, seven (7) classroom-hour course in the cost approach;
- 5) Fully and timely comply with all of the provisions of this Agreed Final Order; and,
- 6) Comply with all future provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

**ALL CLASSES** required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE (12) MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement.


**FAILURE TO COMPLY WITH ANY OF THE TERMS OF THIS AGREED FINAL ORDER WITHIN THE TIME ALLOTTED SHALL RESULT IN IMMEDIATE SUSPENSION** of the Respondent's certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the requirements of this Agreed Final Order.

**ANY SUCH SUSPENSION** SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS. Respondent shall be notified of any such suspension or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's certification is suspended on such a basis, the suspension shall remain in effect until such time as Respondent satisfies the unfulfilled portion of the agreed final order and provides adequate documentation of same to the Board.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

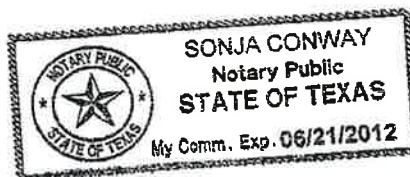
Signed this 12<sup>TH</sup> day of APRIL, 2012.

  
KENNETH EARL JONES

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 12<sup>TH</sup> day of April, 2012, by KENNETH EARL JONES, to certify which, witness my hand and official seal.

  
Notary Public Signature


Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 17<sup>th</sup> day of May, 2012.

  
Kyle Wolfe, TALCB Staff Attorney

Signed by the Commissioner this 18 day of May, 2012.

  
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Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 18 day of May, 2012.

  
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Luis De La Garza, Chairperson  
Texas Appraiser Licensing and Certification Board